

COPY of a LETTER

K. FROM THE *Proby*
RIGHT HONOURABLE

LORD CARYSFORT,

TO THE

HUNTINGDONSHIRE COMMITTEE:

TO WHICH IS ADDED,

The REPORT of the WESTMINSTER SUB-COMMITTEE,
respecting the Duration of PARLIAMENT, and the
Representation of this Country; with the RESOLU-
TIONS of the COMMITTEE.

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G R A T I S

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tion.

TO THE
GENTLEMEN
OF THE
HUNTINGDONSHIRE COMMITTEE.

GENTLEMEN,

WHILE I applaud the spirit which has associated so many of our countrymen, in vindication of the Constitution, and to avert the ruin with which the kingdom is threatened, I lament that I have found it impossible to assist either at the General Meeting of the County, or at the subsequent deliberations of the Committee; but convinced that it is my duty, at this critical juncture, to contribute every thing in my power to the public service, I have taken the liberty to submit the following papers to your judgment. They have, at least, this claim to merit, that they are dictated by a warm and disinterested zeal for the welfare of our common country.

The objects which the people have proposed to themselves, are these: To enforce public œconomy, and to restore and secure the freedom of Parliament.

If any alteration might be wished or suggested in the present frame of Parliaments, it should be in favour of a more complete representation of the people. Such is the opinion of Sir William Blackstone; and such, to use the expression, is the spirit of Constitution*.

The Common Law derives its force from general consent; which, indeed, is the foundation of all legitimate government. And it seems clear, that in the first idea of Parliament (the Great Council of the nation) the whole people were included. Laws were enacted by the King, with the Archbishop, Bishops, Earls, Barons, Knights, Citizens, Burgeses, and other Freemen. The people are, to this day, said to be represented in Parliament. The Commons is a general description, including all ranks. So that whatever blemishes and imperfections may now appear in the Constitution, the cause is to be sought rather in the lapse of time, and the gradual revolution and change of circumstances, than in any fundamental defect.

* Blackstone, vol. i.

It must be owned, at least, that if some places possess a greater share of representation than they are entitled to from their relative extent and population; or some classes of men, who, upon the genuine principles of freedom, ought to share in the election of those delegates, to whose charge, their liberty, their property, and life is committed, are nevertheless entirely excluded; these are evils which admit of remedy without injury to the general system. For all limitations of the right of voting, all the forms of election which are in use at this day, are created by statute, and may be changed by the same authority. An Act of Parliament can extend or contract the privileges of particular places, or particular men; and may disfranchise a borough with as much justice, as it has deprived of the right of being represented all those whose freeholds are not of the yearly value of forty shillings; therefore it by no means follows, that a plan to alter the qualifications of Electors, to regulate elections, or to new-model the representation of the people, tends to subvert the Constitution, or to produce confusion and tumult.

I shall, therefore, without farther preface or apology, proceed to examine the origin of Parliament, and the principles upon which it was at first framed, and which have influenced the various changes and modifications which it has undergone.

We must trace the origin of the English Government in the Antiquities of the Northern nations. All matters of importance were settled, by the Ancient Germans, in the Common Council of the Nation*. The whole People were called upon to decide when the interest of the whole was concerned. In the early times of our history, we find the strongest evidence of the Democratic spirit of our Constitution. The Sheriffs, who had the charge of the counties, the execution of justice, and the preservation of the peace, were elected by the freeholders †, so were the Conservators of the Peace, by writ directed to the Sheriff; and the Coroner is eligible by the same to this day. Nor was the consent of the people necessary only in the appointment of civil officers; their Leaders in the field, their Dukes, or Heretocks were also elective ‡. The consent of the people is, by our best lawyers, considered as a term equivalent to authority of Parliament §; and the words "*Commune concilium Regni, assisa generalis, communitas Regni Anglia,*" sufficiently explain the nature of our ancient Government.

The Norman Conquest introduced, in all probability, some change in the Constitution of Parliament. By the Charter of King John, all Archbishops, Bishops, Abbots, Earls, and Barons, are to be summoned personally, and all other tenants in chief under the Crown, by the Sheriff and Bailiffs. The writs of Henry III. anno 1266, summon Knights, Citizens, and Burghesses to Parliament.

It is probable that, during the Saxon Government, every natural subject, either personally or by his representative, assisted at the General Assize or Common Council of the Nation. After the introduction of the feudal tenures (which were adopted by authority of Parliament) the case might be somewhat altered. But the history of those times sufficiently justifies the conjecture, that the tenants *in capite*, under the Crown, comprized every proprietor of land in the kingdom. For it is certain that before the

* Tacitus de Moribus Germ. † 2 Institute, Blackstone. ‡ 4 Institute. § 6 Institute.

Conquest their possessions were what have been termed allodial, that is, independent of any superior lord ; and if their reception of a feudal superior was purely voluntarily, it should seem, that no farther change could have happened in the property of the kingdom, than what the forfeitures, consequent to the battle of Hastings, had occasioned. But, whether that was the case or not, it is plain that all who contributed immediately to the support of the Crown, were entitled to be summoned to Parliament.

As the natural rights of man are the same in every station and condition of life, according to strict justice, and the genuine principles of freedom, every man has an equal right to these, in the Government of the society to which he belongs ; and, as the obvious consequences of civil liberty is an ardent, enterprising spirit, a spirit of active industry, and a strong attachment and zeal for the interest and honour of the common country, the more widely it is diffused, the more extensive and permanent will be the national prosperity. Such are the genuine principles of our political institutions, the maxims upon which our Government has been founded.

The laws which have been made, from time to time, for regulating elections, and fixing the qualifications of electors, have not changed the Constitution. It was by statute, in the reign of Henry VI. that the electors for counties were required to have freeholds of the value of forty shillings by the year, within the county. At that time, beneficial leases, for long terms of years, were unknown ; so that, as the landed property of the kingdom was then circumstanced, it was certainly more fully represented than it is at present. Copyholders were then little better than villains*. They were in a state of dependence upon their lords. They could not be considered as having a will of their own, and therefore could have no share in the Government, no political liberty, at least while they continued in that state. It would have been unreasonable and unsafe to have trusted men, who had no real property or freedom themselves, with the freedom and property of others.

But it has been clearly the intention of the Constitution, that every free agent should be represented in Parliament. It has been clearly intended, that the whole property of the nation should be represented ; and therefore the citizens and burgesses, mercantile as well as landed men, have found admittance into the House of Commons. It has been clearly intended, that every particular interest should be considered with a view to the whole, and therefore Representatives were to be sent from every part of the kingdom, and ought to be inhabitants of the places for which they are chosen. In short, it has been clearly intended, that the people should form the third branch of the Legislature, and that the sense of the House of Commons should appear indisputably to be the sense of the nation. It should seem superfluous to add, that the House of Commons must be responsible to the people. The Constitution has declared that they are by enjoying frequent elections. Mr. Locke is of opinion, that " there remains inherent in the people a power to remove or alter the legislative, when they find the legislative act contrary to the trust reposed in them ; for when such trust is abused, it is thereby forfeited, and devolves to those who gave it." If this conclusion is just in theory, it must be just in

practice; and, notwithstanding the authority of Sir William Blackstone †, may be adopted and argued from under the present dispensation of Government. For the devolution of power to the people at large does by no means, as he asserts, dissolve all government, and repeal all positive laws whatsoever before enacted. If that were the case, the whole system of our laws must have been repealed at the Revolution. For if the misconduct of the King entitled the people to resume the power with which they had entrusted him, and to declare the throne vacant, that Legislature of which the King was an essential constituent part was certainly dissolved. The convention, which declared the vacancy of the throne, and raised the Prince and Princess of Orange to the royal dignity, was to all intents and purposes a new Legislature, appointed by the voice of the people to supersede the former, which was materially different in form, and which had justly forfeited its authority by having betrayed its trust. It is admitted, that whenever a question arises between the Society at large and any magistrate invested with powers originally delegated by that Society, it must be decided by the voice of the Society itself. By parity of reason, if a question arise between the Parliament and the people, the people must decide. If an endeavour to subvert the Constitution shall empower the people to supersede one branch of the Legislature, why not another? If the people may resume the power of the Crown, because it is delegated by them, why not also the power of the House of Commons, or of the whole Legislature, which is equally delegated? It was decided at the Revolution, that the King "having endeavoured to subvert the Constitution by breaking the original contract between King and People, and by the advice of Jesuits and other wicked persons having violated the fundamental laws, and having withdrawn himself out of the kingdom, had abdicated the Government, and that the throne was thereby vacant." The conduct of King James, though it vacated the Crown, and of course dissolved the Legislature, which, under the then dispensation of Government, was to consist of King, Lords, and Commons, did not, as Blackstone justly remarks, dissolve the Constitution; and if it was necessary afterwards to ratify the proceedings of the Convention, it was not owing to any doubt as to the right of the people to controul and supersede the Legislature which they had established, but to ascertain and declare, beyond all possibility of doubt, the consent and will of the people.

From what has been said, the following are natural deductions: First, It is highly probable that the Government of this country was in its origin a pure Democracy; that is, all matters of general importance were decided in an assembly of the whole people, and all the magistrates were elective. Secondly, After the Constitution had acquired a more regular form, and the executive was vested in one man, the people continued to be an essential part of the Legislature. Thirdly, In the early times of Parliament, they were fully and equally represented. Fourthly, They have claimed and exercised a power of controuling the different branches of the Legislature, and have proceeded so far as actually to displace a King for having endeavoured to subvert the Constitution, by violating the fundamental laws, and the original compact between King and People.

† Vide Blackstone's Commentaries, vol. 1,

We must now enquire how far the spirit of our Constitution has been impaired by time, and in what point it is materially different from that which has been considered by our ancestors as the best inheritance they could transmit to their posterity.

The outward form of the Constitution certainly continues unchanged. The legislative power is entrusted to the Supreme Executive Magistrate, conjointly with the hereditary nobility, and the people represented by the House of Commons.

The King's prerogative has been confined within stricter legal bounds, and the rights of the people have been clearly asserted, and repeatedly and solemnly acknowledged. The Lords retain all their ancient privileges. They continue to possess the supreme judicial authority, and are a standing council to the King, having an undisputed right, which they not unfrequently exercise, to demand an audience, and to prefer their advice upon all matters of public concern. The House of Commons are still said to represent the people; but with what justice will appear, when we come to consider the qualifications of their electors, and the influence to which not the constituent only but the representative is exposed. Whosoever is not a Lord of Parliament, and of the Lords House, says Sir Edward Coke, is of the House of Commons, either in person or by representation*. It is not easy to conceive with what propriety any man can be said to be represented, without having a vote in the election of his representative. But the number of those who are qualified to vote bears a very small proportion to the collective body of the people. A great part of the landed property of the kingdom is excluded, because it is of copyhold tenure. That exclusion might have been originally wise and just; but copyholders have now a permanent and indefeasible interest in their lands; an estate of longer continuance, and subject to easier conditions than many kinds of freehold property. Those who have leases for term of years are also unrepresented, and the qualifications of Electors for cities and boroughs depend entirely upon the charters and customs of particular places, by which a large portion of their inhabitants are left out; and of course the mercantile part of the nation is as imperfectly represented as the landed.

Thus it is plain, that a very small part of the people make the election. Let us now enquire, whether even these are fairly and effectually represented.

The most glaring defect in the system is its inequality. The borough members are in more than a quadruple proportion to those for counties. Five thousand seven hundred and twenty-three persons of the lowest of the people elect one-half of the House of Commons, and three hundred and sixty-four votes chuse a ninth part†. So that the representation is apportioned, without regard either to numbers or property. In many counties the resident and constitutional electors are overborne by a torrent of occasional voters, without any natural connection in the county where they intrude themselves, and without property, more than what is barely sufficient to entitle them to vote, a miserable cottage fraudulently rated at forty shillings, or an annuity of equal value.

* Vide 4 Institute.

† Vide note to Price's Observations on Civil Liberty.

A reciprocation of interests between the people and their governors has occasioned the evil of this imperfect representation to be less generally felt, and loudly complained of. The nation has vainly flattered itself, that it retained some degree of controul over the House of Commons, and that, once in seven years at least, its interest and inclination might be consulted, and one popular session atone, in some measure, for six years of iniquity. The progress of corruption was unperceived, till it had taken such deep root as to baffle all the methods which have been hitherto devised to restrain it. The consequence has been, that to the evil of inadequate representation has been superadded the absolute independence of a majority of the House of Commons upon the people; and what is more alarming such a prodigious increase of influence, as to have transferred to the Crown, almost entirely, that controul over the Lower House of Parliament, which in reason and justice could belong to the people alone. The influence I am here speaking of is, that which is confined to the electors, and by means of which Government can command the return of so large a proportion of members. The influence of the Crown over the members themselves, while the freedom of election yet remained, was in some degree counterbalanced by the influence of the people. It is thought now to operate with full force, and to such an extent, as to give some reason to apprehend that the whole legislative authority may soon be grasped by one man. If Parliament yet retains a shadow of independence; if its resolutions are yet free and uninfluenced, it must be attributed either to such supreme integrity as is seldom met with amongst mankind, or to the justice and moderation of the King; for if he had the will to subvert the Constitution, he certainly does not want means, too powerful to be withstood by men of ordinary virtue.

The confidence of the people in the House of Commons, from a sense of reciprocal interests, must be much weakened by this consideration. I might have said, it must be entirely extinguished.

Instead, therefore, of an House of Commons, consisting of representatives fairly chosen by the people, and accountable to the people alone for their conduct, we are presented with an Assembly elected, in a great measure, and controuled by the Crown.

It is the opinion of some of the best political authors, that the principles of a free Constitution are irrecoverably lost when the legislative power is appointed by the executive. The people, it is certain, cannot be excluded from their share in the Legislature, without departing from the principles of the English Constitution. But before we can justly say that the Constitution is irrecoverably lost, it must appear that the people have surrendered their rights. Then, and then only, will they be enslaved, when they want spirit to be free.

The Constitution is, however, beyond a doubt, in imminent danger when the Crown can influence the election of so many Members of Parliament; and the people, if the House of Commons should betray their trust, and sacrifice the interest and the rights of the nation, are deprived of the resource which the law had provided against such emergencies in a new election. But it is not a necessary consequence, that they have no other constitutional remedy, and that they are bound to submit to usurpation. They have a just and natural controul over a body, that can have no claim

to power but as their representative. The authority of the House of Commons is a trust : it is given upon condition, and when that condition is violated, it is forfeited, and devolves to the people, with whom it originated. If we could suppose that the Crown would use its influence over the House of Commons to enslave the people, and that all the powers with which the Supreme Executive Magistrate is armed, would be exerted to support an Assembly of mock Representatives against the general and undoubted sense of the nation ; the appeal would, indeed, be dreadful, and the just resistance of the people against the invasion of their natural and unalienable rights, might produce such convulsions, as to threaten a dissolution of the whole frame of government. But this we have no reason to apprehend, because, in the first place, we have a prince upon the throne, who has repeatedly declared his parental care for the rights and liberties of his people ; and in the second, because the question does not, in the remotest degree, affect the just prerogative of the Crown. On the contrary, it may be numbered among the causes of the degeneracy of Parliament from its original institution, that the attention of the people has been too much engrossed by their jealousy of the regal power, while the very basis of their freedom has been silently undermined ; while their Government has been poisoned at its source ; and, at the same time that the rights of the people have been endangered, the Executive Power has been clogged and encumbered, and deprived of that energy which is necessary to maintain the honour and safety of the nation, or forced to have recourse to those acts of corruption, which faction and private ambition practised hourly to obstruct its most salutary operations.

It must be confessed, however, that it will be a matter of infinite nicety and difficulty to restore the Constitution to its pristine vigour. While the nation is engaged in a foreign war, with the most formidable confederacy that ever threatened the British Empire, and divided into parties at home, it may be thought a dangerous time to endeavour at reformation. Yet whoever reflects upon the present situation of the nation, must be sensible that something is necessary to restore the public confidence. The wanton dissipation of the public treasure, when the people are sinking under accumulated taxes, when we have reached the utmost verge of our resources, has roused the attention of the nation. And the miserable situation to which we are reduced, the decline of trade, the annihilation of private credit, the rapid decrease of the value of land, prove beyond a doubt, that there is some fault in the administration of Government.

With respect to public œconomy, it is an idea inseparably connected with an independent Parliament. It is ridiculous to expect that Ministerial profusion will be checked by an Assembly under Ministerial influence. A Parliament of Placemen and Contractors will never renounce the favour of the Minister, by whom they are so liberally rewarded, to gratify the people, who expect to be served without fee. To such men our petitions and remonstrances will only furnish matter for ridicule and contempt. Their interests, as well as their inclinations, will prompt them to disregard applications of which the immediate object is to deprive them of emoluments, for which they have sacrificed their honour, their duty, and their conscience.

Upon the whole, it is evident, that if we would, in earnest, correct
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the administration of public affairs; if we sincerely wish to alleviate the burthens of the people, and to give vigour to war, and security to peace, by a frugal expenditure of the public treasure, our first step must be, to reform the House of Commons; to enlarge our basis, by extending the right of voting; to obtain, by a fair election, a full and equal representation of the people; to limit the number of placemen in Parliament; and to bring the representatives to account with his constituents, for the faithful discharge of his trust, by frequent elections.

I have already remarked, that it would be absurd to hope for any effectual reformation from a corrupt Parliament. The people must work their own salvation. Every measure of public benefit must spring from them. No Minister, however profligate, no Parliament, however corrupt, can stand in opposition to their collective force. An authentic declaration of the sense of the nation must have decisive weight. In this light I consider the petitions which have been sent up by so many counties and principal towns; and when backed by a National Association, maintained by Committees of Correspondence, I cannot conceive that they can be resisted. It is probable, however, that attempts will be made to divert the people from the main object, the renovation of the Constitution, by some trifling concessions. Against these attempts, it is to be hoped we shall be proof; and the temper which has distinguished the proceedings of the people, in the first outset of this business, is an earnest both of prudence and firmness. If the immediate prayer of the petition should be obtained, and some useless offices and unmerited pensions lopped off, unless the freedom of Parliament is secured, it is plain that nothing has been done. The same practices will be resumed, when the present ferment subsides, or when the General Election is past, and the people exposed to the same distress and ruin, but with less hope of redress. It is, therefore, absolutely necessary to collect the sentiments of all the cities and counties, upon the means of restoring the freedom of Parliament. It must be done in such a manner as to leave no room to assert, that the sense of the nation has not been fairly taken. The object should be clearly and explicitly avowed, in order to silence calumny and misrepresentation; and no time should be lost, that the world may know that it is intended, not to subvert, but to restore, the Constitution. For the enemies of their country, who will strain every nerve to support the present system of corruption, will brand, as a design to change the Government into a tumultuous Democracy, every attempt, on the part of the people, to vindicate their natural rights. But it should be carefully pointed out, that there is a wide difference between Ministerial Influence and Royal Prerogative. The latter is part of the Law and the Constitution, and is necessary to give energy and vigour to the State. The former is the very reverse: it is an abuse contrary to the spirit and to the letter of the Law; it is the fruitful source of party, and impedes every national effort. It is impossible to conceive how the Crown can be affected, by new-modelling the House of Commons. If it has authorized, at any period, the influence which has been acquired over that assembly, it may have been rather the effect of necessity than choice. In the present constitution of Parliament, it is evident that it cannot escape corruption. If it is not corrupted by one party, it will be by another. It might be purchased by some desperate

rate faction at home, or, as was long the case in Sweden, by some foreign power. But if the House of Commons was the faithful interpreter of the sense of the nation, what force and decision would Government derive from such a source? In the most absolute Monarchies, in times of danger, the Prince has deigned to consult the wishes of his people. Repeated experience has shewn how little exertion is to be expected from a people reluctantly dragged into a war they disapprove. But by what means can a King of England discover the inclination of his people and distinguish their genuine voice from the clamours of contending factions? Let elections be free, let all undue influence cease, and the constitutional intercourse between the King and his People would be restored. Frequent elections would not allow time for parties to be formed, or would dissolve them before they had acquired strength. It would be impossible they should ever attain that pitch of insolence and power, which has often presumed to dictate to the throne itself.

It deserves observation, that when the Constitution has been corrupted, and the rights and liberties of the people endangered, it has been usual to have recourse not to the ordinary forms of Parliament, but to an extraordinary delegation from the people, chosen for the express purpose of enquiring and ascertaining the laws and liberties of the kingdom. In the reign of the Conqueror, when the great influx of foreigners, unacquainted with the laws and customs of England, and attached to their own, had produced innovations contrary to the genius of the people and the spirit of the Saxon Constitution, we are informed by Hoveden, that twelve were returned out of every county to ascertain the Conqueror's laws; and this assembly, according to Sir Matthew Hale, appears to have been as sufficient and effectual a Parliament as ever was held in England*. And in the reign of Henry III (*anno* 1223) writs issued to the several counties to enquire, by twelve good and lawful men, "*quæ fuerunt libertates in Anglia tempore Henrici avi sui.*"

It is wonderful, and, at the same time, an happy presage of the duration of the Constitution, that, after the lapse of so many centuries, the temper and genius of the people should have continued so far the same, as to have suggested an expedient so evidently analogous to that ancient, legal proceeding, as the appointment of the present Committees. They will, it is to be hoped, produce similar effects; and, as the restoration of King Edward's laws was the consequence of the first, and Magna Charta closely followed the second of these instances, why should we despair of seeing a new æra of English liberty commence in the reign of George the Third?

In order to a full communication of sentiments and intentions, it will be necessary that Delegates, from the different counties, should meet at one place. The most obvious method of bringing this to bear is, to authorize each Committee to depute certain of their own number to meet the deputies of the rest in London. There a plan of Association may be prepared, and it may be determined what objects are to be pursued; and when the proceedings of the deputies have received the ratification of General County Meetings, the force and wishes of the nation, concentrated

* Hale's History of the Common Law.

in one point, and acting to one end, will move with irresistible weight. From this formidable union, a petition, or instructions, may be presented to Parliament, stating their grievances, and proposing their remedy. It is the right of the subject to petition Parliament. It is the right of the constituent to instruct his representative. Nor is it an unreasonable expectation, that the representative body should comply with the declared sense of the nation, upon points respecting their natural and inherent rights. In this case, the great end would be accomplished, the Constitution renewed, the liberty of the people confirmed for ever, the independence of the several branches of the Legislature secured, without bloodshed, without violence, without tumult, by the peaceful and legal operation of the genuine principles of the Constitution.

We must not rest satisfied with empty forms, while the substance of the Constitution is materially changed. A Government, where the executive and legislative power meet in a single person, has no pretence to freedom. It is perfect despotism, and the people who submit to it are in a state of slavery. If the will of the Prince must be law, in what manner it is announced, whether the mandate issue directly from the Throne itself, or through the medium of the House of Commons, is a matter of indifference. If that Assembly are no longer the representative of the people, the Constitution is changed. If they are only the registers of the Royal Edicts, the Government has degenerated into an absolute monarchy. The long continuance of Parliaments is the foundation of that undue influence which threatens to subvert the Constitution. Other materials have been added to complete the superstructure. The augmentation of the navy and army, the extension of dominion, the multiplication of debts and taxes, have given to the Crown a dangerous influence in elections. Were elections free to restore the constitutional independence of Parliament, it might be alone sufficient to shorten their duration; and, even in the present circumstances of things, much might be expected from such a measure. Perhaps two fifths of the House of Commons are yet elected by the people. The shortening Parliaments, would be shortening the tenure of those emoluments which are given for the hire of the votes of the members, and would of course diminish their value. In proportion as the temptation to knavery should be lessened, our confidence in the integrity of our representatives would be more rational and ample. The frequency of elections would drain the source of corruption. Government would want the means to re-imburse their candidates; it would be worth no man's while to purchase his election. The people would elect their countrymen and neighbours, according to the true intent and spirit of the Constitution. It would, perhaps, be unreasonable to expect a thorough reformation; that every redundancy should be pruned away, and every deficiency supplied. Perfection does not belong to human institutions. The prejudices and passions of men will always operate; private ambition and private interest will prevail against the public good. The glare of conquest, the desire of fame, false notions of national greatness, and national glory, will draw us from the pursuit of less splendid, but more real good. While the forms of the Constitution remain; while justice is suffered to take her course; before any flagrant invasion of their civil rights has awakened the feelings of the people, every effort to stem the

the tide of influence would be looked upon by many as originating in ill-grounded discontent, even when general oppression has excited general indignation; when every man knows and feels, that in the public interest his own is involved, so various will be the opinions, so many discordant interests must be reconciled, so many prejudices flattered, that it will be impossible with such tumultuary forces to contend with full success against the firm array of systematic usurpation. The enemy will abandon the outposts to secure his principal stations, and appear to give way, that he may fight with greater advantage, when the first fury of the assailants has spent itself. It must, therefore, be our care to collect our strength, and make it formidable by discipline. We must learn not to be elated by trifling advantages, nor look upon our adversary as vanquished, because he avoids a decisive action. Nothing is so much to be dreaded as the compliance of Parliament with the prayer of those petitions, which are confined to a reduction of expence, if that compliance is to damp our ardour, and divert us from the main object, the Independence of the Legislature. We must have an House of Commons, freely chosen, and acting freely, or we are no more a free people. Let all unnecessary pensions and offices be abolished; let every placeman be excluded from Parliament; still if the Crown can influence elections we shall not be free. Even the shortening the duration of Parliament, the measure which seems, at first view, most favourable to the people, and agreeable to the Constitution, will, in that case, only serve to establish and confirm the influence of the Crown. To cut away the rotten boroughs, and encrease the representation for counties, would be to lay the axe to the root; yet there is an injustice in depriving a man of his freehold, because it is possible he might make an ill use of it. A property derived under the law, and not forfeited by misconduct, should be deemed sacred. The disfranchisement of a borough, on pretence of general improvement, perhaps is not to be justified, and it might be dangerous to establish the precedent. Whether every purpose might not be answered, by simply adding to the number of county members, may yet be doubted; but it must be confessed, that there are some boroughs which have so little claim, in reason and justice, to send members to Parliament, that if it could be done, without injury to property, without any violation of constitutional principles, they ought to be disfranchised. In some cases they are the absolute property of individuals, and might be purchased by the public. In others, four or five might be consolidated, as was done in Scotland at the Union.

We have no better security for public integrity than private independence; but the unavoidable expence of elections is so great, that no moderate fortune can support it. It is absolutely necessary to reduce it, by effectual provisions, within such bounds, that no man may be deterred, by that consideration, from becoming a candidate. I think it would be no matter of difficulty to suggest such regulations as would prevent the tumult and disorder of elections, which have a mischievous effect upon the morals of the people, at the same time that they would lessen the expence. A plan of this kind, if it could be carried into execution, would obviate the principal objection to short Parliaments.

If my ideas should meet with the approbation of the Committee, I shall hereafter have the honour to communicate to them the particulars of a scheme

scheme which, according to the best of my judgment, would be effectual, and which is recommended by its simplicity.

To conclude. In the present exhausted state of this country, the general voice points out a strict œconomy of the public treasure, as our best resource. The abolition of every useless office, and unmerited pension, is a measure founded upon wise and public principles; but it is liable to these objections, that it is inadequate to the exigencies of the State, and that it encroaches upon the legal and undisputed rights of the Crown, in the distribution of offices, and the expenditure of the Civil List revenue; which may be justified, indeed, by the necessity of the public service, but which it is prudent, if possible, to avoid. The profusion, in every other department of Government, is a grievance of much greater extent, and which must be remedied, or we shall sink under the burthen of the war. It can only be done by the House of Commons; they have the controul of the public accounts; but they are under the influence of that corruption they ought to restrain. Therefore a wise and comprehensive œconomy can be enforced by no other means, but reforming the House of Commons. The obvious methods of accomplishing that great object are, to shorten the duration of Parliaments, and procure a fuller representation of the People.

I am, with the greatest respect, Gentlemen,

Your most obedient,

and most humble servant,

Dublin, Feb. 27, 1780.

CARYSFORT.

WESTMINSTER COMMITTEE.

KING'S ARMS TAVERN, *March 20, 1780.*

REPORT OF THE SUB-COMMITTEE,

Appointed to enquire into the State of the Representation of this Country.

SUB-COMMITTEE, *Free Masons Tavern, March 19, 1780.*

RESOLVED,

THAT it appears to this Sub-committee, that New Parliaments to be holden once in every year were the ancient usage, and declared to be the hereditary and indefeasible right of the People of England.

That it appears to this Sub-committee, that the act passed in the sixth year of the reign of Wm. and Ma. is the first regular act which attempts to

to establish and "appoint the time of continuance of Parliament," to be for the term of three years, though the same act recognizes 'the ancient laws and statutes of this kingdom,' by which annual parliaments were confirmed, and declares "that *frequent and new* parliaments tend very much to the happy union and good agreement of the King and People."

That it appears to this Sub-committee, that by an act passed in the first year of the reign of George I. the parliament then chosen for *three years* (by the *acquiescence* of the people to the above-mentioned act of Wm. and Ma. on the faith of its declaring that "from thenceforth no *parliament whatsoever*, that shall at any time hereafter be called, assembled, or held, shall have any continuance longer than for *three years only at the farthest*,") did pass an act to prolong its continuance to the term of seven years.

That it appears to this Sub-committee, that *temporary* considerations then presumed to exist in the country, are stated in the preamble to the act, as the principal motives and inducements for the act itself.

That it appears to this Sub-committee, that the act passed in the sixth of Wm. and Ma. is worded, as if declaratory of what was conceived (however falsely) to have been the constitution of the country; but that the *septennial act* assumes a power of altering the duration of parliaments at pleasure.

That these alterations in the constitution of parliament were made without communication with the constituent body of the people, and have been continued without the sanction of their approbation.

That it appears to this Sub-committee, that the septennial bill was strongly opposed in Parliament, as "a direct infringement on the constitution, and a flagrant breach of trust towards the constituent body."

That it was supported almost entirely on the principle of *expediency*.

That the voice of the people appeared strongly against it in many respectable petitions to Parliament on the occasion; and that a constitutional protest was entered by the Peers, stating, "That frequent Parliaments were the *fundamental constitution* of the kingdom: that the House of Commons ought to be chosen by the people, and when continued for a longer time than they were chosen for, they were then chosen by the Parliament, and not by the People: that they conceived the bill, so far from preventing corruption, would rather increase it, for the longer a parliament was to last, the more valuable to corruptors would be the purchase; and that all the reasons that had been given for long Parliaments might be given for making them perpetual, which would be an absolute subversion of the third estate."

That it appears to this Sub-committee, that various motions were afterwards made, and strongly supported 'for a repeal of the septennial act,' particularly 'a motion for *annual parliaments*' in 1744, which was lost only by a majority of thirty-two.

That the city of London, and other respectable bodies, continued to instruct their representatives, to prosecute this object "in the most vigorous manner, as essentially necessary to the independency and integrity of Parliament, the rights of the people, and the prosperity of the country."

That

That with respect to the representation of the people,

It appears to this Sub-committee, that by stat. 8 Hen. VI. the Parliament, then elected by the commonalty at large, passed an act to disfranchise the greater part of their constituents, by limiting the right of election for knights of the shire to "persons having free lands or tenements " to the value of 40s. by the year at the least;" which restriction has ever since continued.

That it appears to this Sub-committee, that many towns and boroughs, formerly intitled, "for their repute and population," to send members to Parliament, have since fallen into decay, yet continue to have a representation equal to the most opulent counties and cities; while other towns and places, which have risen into consideration, and become populous and wealthy, have no representatives in Parliament.

That it appears to this Sub-committee, that according to the most received calculations, the number of inhabitants of England and Wales is above five millions.

That of these, nearly twelve hundred thousand are supposed capable of voting, as the Constitution stood before the restrictive act above quoted.

That of this number, not more than two hundred and fourteen thousand are at present admitted to vote.

That out of these,

One hundred and thirty thousand freeholders elect *ninety-two* members for *fifty-two* counties.

Forty-three thousand citizens, freemen, and others elect *fifty two* members for *twenty-three* cities and *two* universities.

And *forty one thousand* electors choose *three hundred and sixty-nine* members for *one hundred and ninety-two* towns and boroughs.

That *fifty* of these members are returned by *three hundred and forty* electors.

And a number scarcely above *six thousand*, being a majority of the voters of a *hundred and twenty-nine* of the boroughs, return *two hundred and fifty-seven* representatives, which is a majority of the whole English House of Commons, and the efficient representation of above *five millions* of people.

That it appears to this Sub-committee, that many of these boroughs are immediately under the influence of the Crown, as the Cinque Ports; many of them private property, affording hereditary seats, as those under Burgage tenure; and some of them almost without houses or inhabitants, as Gatton, Newtown, and Old Sarum.

That considering the representation with reference to property, it appears that many counties return a number of representatives, out of all proportion to what they contribute to the public revenue, as is evident from the stating a single instance—* *That Cornwall has been calculated to pay to land-tax and subsidy sixteen parts out of five hundred and thirteen, and sends members to Parliament forty-four, while Middlesex pays not less than in the proportion of two hundred and fifty-six, and sends members eight.*

* Candour requires us to observe that a mistake has been committed in the following calculation printed in Italics, but it is by no means of such magnitude as to affect the truth of the position, asserted in this and the concluding paragraph of the Report.

So that it appears to this Sub-committee, that the inequality of the representation of this country, with regard to property, is still greater than when estimated according to the number of its inhabitants.

Signed, by Order of the SUB-COMMITTEE,

R. B. SHERIDAN, CHAIRMAN.

Resolved,

That annual Parliaments are the undoubted right of the people of England, and that the act which prolonged their duration, was subversive of the Constitution, and a violation on the part of the representatives of the sacred trust reposed in them by their constituents.

Resolved,

That the present state of the representation of this country is inadequate to the object, and a departure from the first principles of the Constitution.

Resolved,

That thanks be given to the Chairman and Members of the Sub-committee, for the very intelligent report made by them of the state of the representation of this country, and of the duration of Parliaments.

Resolved,

That the Report of the Sub-committee be printed, and copies sent to the several Committees of the counties, cities, and boroughs of this kingdom.

C. J. FOX, CHAIRMAN.

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